

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9075 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DE NALLADRU

Versus

REGIONAL PROVIDENT FUND

Appearance:

None present for Petitioner

None present for Respondents No. 1, 2

MR NV ANJARIA for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/01/98

ORAL JUDGEMENT

1. The matter was called out for hearing in the first round and second round in first sitting and in the third round in second sitting but none put appearance for the petitioner. Perused the special civil application and heard the learned counsel for the respondent No.3.

2. The petitioner has come up with the grievance

that towards his provident fund amount, the respondent No.3 has paid Rs.5455/- less. From the record, which has been produced by the learned counsel for the respondent No.3 for perusal, I find that on 22-6-1988 a cheque of Rs.61624/- was sent to the petitioner towards his provident fund amount but he refused to accept it. The grievance of the petitioner is that there was deficit of Rs.5455/- and on this ground he refused to accept that amount. However, it is absolutely ill-advised and the petitioner should have accepted the amount and then he could have lodged his claim for Rs.5455/-. Further in the year 1992, the petitioner has been sent cheque of Rs.67079/- but that too has not been accepted. The total claim of the petitioner towards his provident fund amount is Rs.67079/- and today in the Court, the counsel for the respondent No.3 has brought the cheque of the said amount.

3. The respondent No.3 is directed to send this cheque to the petitioner by registered post A.D.. and in case he refuses to accept the cheque then this amount may be deposited in this Court within three days of the return of the cheque and in case this amount is deposited before this Court then the Registrar is directed to invest the same in fixed deposit with some nationalised bank for initial period of three years in the name of Registrar.

4. The claim of the petitioner for interest deserves no acceptance because he himself is responsible for this creation. The respondent No.3 was all the time ready and willing to pay the amount of provident fund to him but the petitioner has not accepted the said amount for the reasons best known to him.

5. The special civil application is dismissed subject to the aforesaid directions. Rule discharged.

zgs/-